



2003  
75-03

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT**

Docket Number (Optional)

024/41-975

In re Application of: Lisa PALMQVIST et al.

Application No.: 09/973,809

Filed: October 11, 2001

For: CEMENTED CARBIDE INSERT

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The owner\*, Sandvik AB of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,326,093. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.

August 25, 2003

Date

  
Signature

Scott W. Cummings, Reg. No. 41,567

Typed or printed name

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
Form PTO/SB/96 may be used for making this statement. See M.P.E.P. § 324.

**COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR UTILITY PATENT APPLICATION**

Attorney's Docket No.

024444-729

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I BELIEVE I AM THE ORIGINAL, FIRST AND SOLE INVENTOR (if only one name is listed below) OR AN ORIGINAL, FIRST AND JOINT INVENTOR (if more than one name is listed below) OF THE SUBJECT MATTER WHICH IS CLAIMED AND FOR WHICH A PATENT IS SOUGHT ON THE INVENTION ENTITLED:

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the specification of which

(check one)

☐ is attached hereto;

☒ was filed on February 2, 2000 as

Application No. 09/496,200

and was amended on \_\_\_\_\_;  
(if applicable)

I HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE;

I ACKNOWLEDGE THE DUTY TO DISCLOSE TO THE OFFICE ALL INFORMATION KNOWN TO ME TO BE MATERIAL TO PATENTABILITY AS DEFINED IN TITLE 37, CODE OF FEDERAL REGULATIONS, Sec. 1.56 (as amended effective March 16, 1992);

I do not know and do not believe the said invention was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to said application; that said invention was not in public use or on sale in the United States of America more than one year prior to said application; that said invention has not been patented or made the subject of an inventor's certificate issued before the date of said application in any country foreign to the United States of America on any application filed by me or my legal representatives or assigns more than twelve months prior to said application;

I hereby claim foreign priority benefits under Title 35, United States Code Sec. 119 and/or Sec. 365 of any foreign application(s) for patent or inventor's certificate as indicated below and have also identified below any foreign application for patent or inventor's certificate on this invention having a filing date before that of the application(s) on which priority is claimed:

## COMBINED DECLARATION AND POWER OF ATTORNEY

Attorney's Docket No.

024444-729

COUNTRY/INTERNATIONAL	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED
SWEDEN	SE 9900403-8	5 February 1999	YES <u>X</u> NO <u>  </u>
			YES <u>  </u> NO <u>  </u>

I hereby appoint the following attorneys and agent(s) to prosecute said application and to transact all business in the Patent and Trademark Office connected therewith and to file, prosecute and to transact all business in connection with international applications directed to said invention:

William L. Mathis	17,337	R. Danny Huntington	27,903	Gerald F. Swiss	30,113
Robert S. Swecker	19,885	Eric H. Weisblatt	30,505	Michael J. Ure	33,089
Platon N. Mandros	22,124	James W. Peterson	26,057	Charles F. Wieland III	33,096
Benton S. Duffett, Jr.	22,030	Teresa Stanek Rea	30,427	Bruce T. Wieder	33,815
Norman H. Stepno	22,716	Robert E. Krebs	25,885	Todd R. Walters	34,040
Ronald L. Grudziecki	24,970	William C. Rowland	30,888	Ronni S. Jillions	31,979
Frederick G. Michaud, Jr.	26,003	T. Gene Dillahunty	25,423	Harold R. Brown III	36,341
Alan E. Kopecki	25,813	Patrick C. Keane	32,858	Allen R. Baum	36,086
Regis E. Slutter	26,999	Bruce J. Boggs, Jr.	32,344	Steven M. du Bois	35,023
Samuel C. Miller, III	27,360	William H. Benz	25,952	Brian P. O'Shaughnessy	32,747
Robert G. Mukai	28,531	Peter K. Skiff	31,917	Kenneth B. Leffler	36,075
George A. Hovanec, Jr.	28,223	Richard J. McGrath	29,195	Fred W. Hathaway	32,236
James A. LaBarre	28,632	Mathew L. Schneider	32,814		
E. Joseph Gess	28,510	Michael G. Savage	32,596		



21839

and: Scott W. Cummings, Registration No. 41,567

Address all correspondence to:



21839

Ronald L. Grudziecki  
BURNS, DOANE, SWECKER & MATHIS, L.L.P.  
P.O. Box 1404  
Alexandria, Virginia 22313-1404

Address all telephone calls to: Ronald L. Grudziecki at (703) 836-6620.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF SOLE OR FIRST INVENTOR		SIGNATURE	DATE
Lisa PALMQVIST		<i>Lisa Palmqvist</i>	May 16, 2000
RESIDENCE		CITIZENSHIP	
Göteborg, SWEDEN		SWEDISH	
POST OFFICE ADDRESS			
Helenebergsgatan, Villa Corinne, 412 62, Göteborg, SWEDEN			
FULL NAME OF SECOND JOINT INVENTOR, IF ANY		SIGNATURE	DATE
Mikael LINDHOLM		<i>Mikael Lindholm</i>	May 5, 2000
RESIDENCE		CITIZENSHIP	
Hägersten, SWEDEN		SWEDISH	
POST OFFICE ADDRESS			
Cedergrensvägen 25, 126 36, Hägersten, SWEDEN			

<b>COMBINED DECLARATION AND POWER OF ATTORNEY</b>	Attorney's Docket No.
	024444-729

FULL NAME OF THIRD JOINT INVENTOR, IF ANY	SIGNATURE	DATE
Anders LENANDER	<i>Anders Lenander</i>	00-05-02
RESIDENCE	CITIZENSHIP	
Tyresö, SWEDEN	SWEDISH	
POST OFFICE ADDRESS		
Sofiebergsv. 33 A, 135 53 Tyresö, SWEDEN		
FULL NAME OF FOURTH JOINT INVENTOR, IF ANY	SIGNATURE	DATE
Björn LJUNGBERG	<i>Björn Ljungberg</i>	00-05-02
RESIDENCE	CITIZENSHIP	
Enskede, SWEDEN	SWEDISH	
POST OFFICE ADDRESS		
Kulstjärnvägen 96, 122 44 Enskede, SWEDEN		
FULL NAME OF FIFTH JOINT INVENTOR, IF ANY	SIGNATURE	DATE
Michael THYSELL	<i>Michael Thysel</i>	00-05-05
RESIDENCE	CITIZENSHIP	
Stockholm, SWEDEN	SWEDISH	
POST OFFICE ADDRESS		
Grev Turegatan 82, 114 38, Stockholm, SWEDEN		